

BEST AVAILABLE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED

In re application of:

Hans Josef RINNINGER

Appl. No.: 09/826,414

Confirmation No.: 5027

Filing Date: April 5, 2001

For: SHAPED PAVESTONE

Art Unit: 3673

Examiner: R. Addie

Atty. Docket No.: 31530-171041

Customer No.



26694

PATENT TRADEMARK OFFICE

APR 23 2002

GROUP 3600

Official

ARGUMENTS FOR INTERVIEW (SUBMITTED BY FACSIMILE)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Formal Matters

In the above identified application there are two claims number 10 which resulted from the Applicant submitting new claims 10 and 11 in the Amendment filed April 5, 2001, whereas there already was a claim 10 in the application which the Applicant's attorney understood to have been canceled. To solve this problem, it will be proposed that original claim 10 be canceled and that new claims 10 and 11 filed in the Amendment dated April 5, 2001 be renumbered as claims 11 and 12.

In response to the drawing objection as not showing a wedge shape supplementary block and also to overcome the rejection under 35 U.S.C. §112 based on

BEST AVAILABLE COPY

the Applicant's use of the term "wedge shape", the Applicant proposes to cancel "to form a wedge shape" at the end of new claim 10 to be renumbered as claim 11.

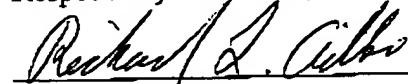
With respect to the Examiner's objection to the language of claim 4, the Applicant will contend that the recitation in claim 4 of "a one-piece block which is square in plan view and with dimensions of four cubes with the size of the first mentioned cube lying beside one another" is supported by the block shown in Figure 3 and that the language "beside one another" does not require that the cubes be laid out in a line but can be laid out in a square as shown in Figure 3.

At the interview, the Applicant proposes to argue that Rinninger does not anticipate claims 1-3 and 5-9 because the Rinninger patent does not disclose a molded concrete block which has approximately a cube shape. The Examiner has recognized that the Rinninger blocks have a shorter height but contends that the square block 2, shown in Figures 2a and 2b is approximately a cube. The Applicant's position will be that the Rinninger block is not approximately a cube but that it is in the shape of a slab as shown in Figure 2b of the Rinninger patent and as described in column 3, lines 30-40, of the Rinninger patent, where it is stated that the horizontal dimensions of the square slab shown in Figures 2a and 2b is 178 mm and that the height is 70 mm. Thus, the height of the square slab in the Rinninger patent is less than half of the horizontal dimensions. The word "approximately" as held in *Quantum Corporation v. Rodime, PLC*, 36 USPQ 2nd 1162, 1166 (CAFC 1995), is interpreted as meaning "reasonably close to." The square slab shown in the Rinninger patent is not reasonably close to a cube. The Applicant's invention, by paving the stones approximately in the form of cubes with at least one face having a rounded portion, i.e. in the form of a clothoid curve, enables the Applicant's

BEST AVAILABLE COPY

paving stones to produce a variegated surface pattern with a level surface when the stones are laid on a level bed, such as shown in Figure 4 of the application. The variegated pattern can be achieved with only one stone shape because the stone shape is approximately that of a cube allowing the single stone shape to be laid in different orientations.

Respectfully submitted,



Richard L. Aitken

Registration No. 18,791

VENABLE

1201 New York Avenue, N.W.

Suite 1000

Washington, DC 20005-3917

Telephone: (202) 962-4800

Direct dial: (202) 216-8161

Telefax : (202) 962-8300

RLA/hh
DC2-367949

VENABLE
ATTORNEYS AT LAW

BEST AVAILABLE COPY

VENABLE, BAETjer, HOWARD & CIVILETTI, LLP
Including professional corporations
1201 New York Avenue NW, Suite 1000
Washington, D.C. 20005
(202) 962-4800 FAX (202) 962-8300
MARYLAND • WASHINGTON, D.C. • VIRGINIA

FAX RECEIVED

APR 23 2002

DATE: April 23, 2002CLIENT/MATTER NUMBER: 31530-171041

TO:

GROUP 3600

Official

	Name	Company	Fax No.	Telephone No.
1.	Examiner R. Addie	U.S. Patent and Trademark Office	703 308 8623	703 305 0135
2.				
3.				
4.				
5.				
6.				

FROM:

Name: Richard L. Aitken Telephone No.: (202) 216-8161TOTAL NUMBER OF PAGES (EXCLUDING COVER PAGE): 3

CONFIDENTIALITY NOTICE

WARNING:

Unauthorized interception of this telephonic communication could be a violation of Federal and State Law

The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

Message:

Re: Application of H. RINNINGER; Serial No. 09/826,414, Filed 4/5/2001
For: Shaped Pavestone